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Marcus F. Doemling

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BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE

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CHICAGO, IL 60610

EXAMINER

LEE, PHILIP C

ART UNIT

PAPER NUMBER

2152

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/924,808	Applicant(s) DOEMLING ET AL.	
	Examiner PHILIP C. LEE	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-19,22-28,31-33 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-19,22-28,31-33 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment and remarks filed on February 20, 2008.
2. Claims 1, 2, 4, 6-19, 22-28, 31-33 and 38-41 are presented for examination and claims 3, 5, 20-21, 29-30 and 34-37 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Objection

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: storage *memory* (claim 1) and computer readable medium (claim 28). For examination purpose, examiner interprets “computer readable medium” as “recordable media” according to page 4, line 19-20 of the specification.
5. The amendment filed 2/20/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Page 10, line 6, “methods”, lines 22-23,”on a computer readable storage”.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections – 35 USC 112

6. Claims 1, 2, 4, 6-19, 22-28, 31-33 and 38-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
 - i. the network resource - claim 1;
 - ii. the group – claims 1, 22, 28 and 33;
 - iii. The enhancement mechanism – claim 27.

Claim Rejections – 35 USC 103

7. Claims 1, 2, 4, 6-8, 10-13, 16-19, 22-27, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier et al, U.S. Patent 6,379,251 (hereinafter Auxier) in view of Pettersen, U.S. Patent 6,826,549 (hereinafter Pettersen).

8. Auxier and Pettersen were cited in the last office action.

9. As per claim 1, Auxier taught the invention substantially as claimed for enhancing a content object, comprising:

- a storage memory (inherently comprised)

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a browser to download a web resource from a host server to a client computer and be stored in the storage memory (col. 4, lines 13-20, 26-29);

wherein an enhancement mechanism is downloaded with the network resource (col. 4, lines 20-40; col. 9, lines 43-51), wherein the enhancement mechanism includes:

a request/load module for requesting and loading a content object from a content server to the client computer (col. 4, lines 20-40; col. 9, lines 43-51), wherein the content object is selected from the group consisting of an image (e.g., graphic image data) and a banner ad (e.g., banner ad data represented by text, image pointer, etc.) (col. 4, lines 37-43);

an enhancement module for altering an output format of the content object in real time (col. 4, lines 41-63; col. 4, line 63-col. 5, line 4), and wherein the enhancement module operates on content objects having any of a plurality of formats (col. 4, lines 37-43); and

an application programming interface (API) through which the content object passes before access by the enhancement module (col. 4, lines 35-53); and

wherein the content object is loaded into the enhancement mechanism in one of a plurality of formats that do not require customization (col. 9, lines 18-21).

10. Auxier did not specifically teach that the enhancement module rearranges image data of the content object. Pettersen taught a similar system wherein an enhancement module rearranges image data of the content object (col. 11, lines 14-31).

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11. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of rearranging the image data of the content object would increase the flexibility in Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

12. As per claim 22, Auxier taught the invention substantially as claimed for enhancing content, comprising:

loading a content object for viewing by a user in one of a plurality of formats that do not require customization (col. 9, lines 18-21), wherein the content object comprises data stored in a predefined format (col. 4, lines 20-40; col. 9, lines 32-51) (e.g. banner ad to be display for viewing) selected from the group consisting of a banner ad and an image (col. 4, lines 37-43);

enhancing the content object with an enhancement modules, wherein the enhancement module causes alteration of the loaded object in real time (col. 4, lines 57-60; col. 4, line 63-col. 5, line 4); and

converting through an application programming interface (e.g. java applet) the data from the predefined format of the content object to a format compatible with the enhancement module (col. 4, lines 35-53).

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13. Auxier did not teach each enhancement module selected from a plurality of enhancement modules causes a different visual alteration of the loaded content object. Pettersen taught enhancing the content object with at least one of a plurality of enhancement modules, wherein each enhancement module causes a different visual alteration of the loaded content object (col. 11, lines 40-67).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of selecting a enhancement module, wherein each enhancement module causes a different visual alteration of the content object would increase the flexibility of Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

15. As per claim 33, Auxier taught the invention substantially as claimed comprising the steps of:

requesting a web resource comprising a web page (col. 4, lines 13-19);

retrieving and processing the web resource (col. 4, lines 13-19), wherein the resource includes an enhancement mechanism (col. 4, lines 20-40; col. 9, lines 43-51); and

processing the enhancement mechanism, including the steps of:

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retrieving a content object (col. 4, lines 20-40; col. 9, lines 43-51) selected from the group consisting of a banner ad and an image (col. 4, lines 37-43);

transferring data from the content object to an enhancement module that displays the content object to a user of the web resource (col. 4, lines 41-63); and executing the enhancement module in real time (col. 4, lines 57-60; col. 4, line 63-col.5, line 4) such that image data from the content object is converted into a game (col. 4, lines 41-63; col. 5, lines 43-47);

wherein the content object is loaded into the enhancement mechanism in one of a plurality of formats that do not require customization (col. 9, lines 18-21).

16. Auxier did not specifically teach that the enhancement module rearranges the content object. Pettersen taught wherein the enhancement module rearranges the content object (col. 11, lines 14-31).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of rearranging the content object would increase the flexibility in Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

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18. As per claim 2, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the web resource is a web page (col. 4, lines 13-20).

19. As per claim 4, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the banner ad comprises a banner ad in an industry standard format (col. 4, lines 38-40).

20. As per claim 6, Auxier and Pettersen taught the invention substantially as claimed in claim 2 above. Auxier further taught wherein the enhancement mechanism comprises a plug-in embedded in the web page (col. 4, lines 46-53).

21. As per claim 7, Auxier and Pettersen taught the invention substantially as claimed in claim 6 above. Auxier further taught wherein the plug-in comprises an applet (col. 4, lines 46-53).

22. As per claim 8, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the content server is an ad server (col. 4, lines 33-34).

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23. As per claim 10, Auxier and Pettersen taught the invention substantially as claimed in claim 8 above. Auxier further taught wherein the host server acts as the ad server (fig. 5; col. 9, lines 23-51).

24. As per claims 11 and 23, Auxier and Pettersen taught the invention substantially as claimed in claims 1 and 22 above. Auxier further taught wherein the enhancement module converts the content object into a game (col. 5, lines 43-47).

25. As per claim 12, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the enhancement module converts the banner ad into a game (col. 5, lines 43-47).

26. As per claim 13, Auxier and Pettersen taught the invention substantially as claimed in claim 12 above. Auxier further taught wherein the game overlays the banner ad (fig. 4).

27. As per claim 16, Auxier taught the invention as claimed in claim 1 above. Auxier further taught wherein the enhancement module instructs the host server to retrieve the content object (col. 20, line 66-col. 21, line 6).

28. As per claim 17, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught comprising a proxy system that obtains

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the content object from the content server on behalf of the client computer (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

29. As per claim 18, Auxier and Pettersen taught the invention substantially as claimed in claim 2 above. Auxier further taught wherein an enhanced content object is created by replacing an embedded ad with an embedded enhancement module (col. 9, lines 32-51).

30. As per claims 19, 24 and 38, Auxier and Pettersen taught the invention substantially as claimed in claims 1, 22 and 33 above. Auxier further taught wherein the enhancement module alters the output format of the content object by providing an informing enhancement that requests a user action (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

31. As per claim 25, Auxier and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the content object comprises an ad (col. 4, lines 24-27).

32. As per claim 26, Auxier and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the loading, the enhancing, and the converting of the predefined data of the content object is executed within a web page of a web browser (col. 4, lines 13-53).

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33. As per claim 27, Auxier and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the loading the content object and the at least one enhancement module are implemented by Java applets (col. 4, lines 46-53).

34. Claims 39, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of "Official Notice".

35. As per claims 39, 40 and 41, although Auxier taught the message is overlaid on top of the content object (fig. 4), however, Auxier and Pettersen did not specifically detailing all of the different location where a message corresponding to the content object is displayed. "Official Notice" is taken for the concept of displaying a message at different area corresponding to the connect object in a web page is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different location where the message is displayed because by doing so it would increase flexibility of Auxier's and Pettersen's systems by allowing the message to be display on the web page according to the interest of the designer.

36. Claims 9, 28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of Landsman et al, U.S. Patent 6,785,659 (hereinafter Landsman).

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37. Landsman was cited in the last office action.

38. As per claim 9, Auxier and Pettersen taught the invention substantially as claimed in claim 8 above. Auxier and Pettersen did not specifically teach wherein the ad server is a third party server. Landsman taught wherein the ad server is a third party server (col. 11, lines 33-34).

39. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Landsman because Landsman's teaching of third party server would increase the field of use in the system.

40. As per claim 28, Auxier taught the invention substantially as claimed comprising: installing an enhancement mechanism into a requested web page that is to be downloaded to a client, wherein the enhancement mechanism includes the enhancement module (col. 4, lines 20-53); causing the content object to be passed to the client for viewing, wherein the content object is selected from the group consisting of an ad and an image (col. 4, lines 37-43); and wherein an enhancement modules causes alteration of the passed content object to, in real time, convert the content object to create an interactive game for a viewing user (col. 4, lines 57-60; col. 4, line 63-col. 5, line 4; col. 5, lines 43-47).

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41. Auxier did not teach enhancement module selected from a plurality of enhancement modules causes a different visual alteration of the passed content object. Pettersen taught an enhancement module selected from a plurality of enhancement modules, wherein each enhancement module causes a different visual alteration of the passed content object (col. 11, lines 40-67) to convert the content object into a scrambled version of the content object for a viewing user (col. 11, lines 30-31).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of selecting an enhancement module from a plurality of enhancement modules causes a different visual alteration of the content object would increase the flexibility of Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

43. Auxier and Pettersen did not teach a proxy system. Landsman taught a similar comprising:

selecting an enhancement module from a plurality of enhancement modules (col. 27, lines 1-12); and

through a proxy system, retrieving a content object on behalf of the client and causing the content object to be passed to the client for viewing (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

44. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Landsman because Landsman's teaching of selecting an enhancement module causing a unique alteration would increase the flexibility of Auxier's and Pettersen's systems by allowing an enhancement module to change in order to suit a desired environment (col. 27, lines 7-12).

45. As per claim 31, Auxier, Pettersen and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein at least one of the enhancement modules appends an information enhancement to the content object (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

46. As per claim 32, Auxier, Pettersen and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein the proxy system causes an address of the content object to be modified to point to an address of a host server (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

47. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of Eggleston et al, U. S. Patent 6,061,660 (hereinafter Eggleston).

48. Eggleston was cited in the last office action.

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49. As per claim 14, Auxier and Pettersen taught the invention substantially as claimed in claim 12 above. Auxier and Pettersen did not teach a plurality of smaller images that can be relocated by an end user. Eggleston taught wherein the game partitions the ad into a plurality of smaller images that can be relocated by an end user (col. 30, lines 24-46; col. 36, lines 20-36).

50. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Eggleston because Eggleston's teaching of smaller images that can be relocated by an end user would increase the effectiveness of advertising in Auxier's and Pettersen's systems, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

51. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of Erlichman, U.S. Patent 6,790,138 (hereinafter Erlichman).

52. Erlichman was cited in the last office action.

53. As per claim 15, Auxier and Pettersen taught the invention substantially as claimed in claim 12 above. Auxier and Pettersen do not specifically detailing the location of the game. Erlichman taught wherein the game resides in an area outside of the banner ad (col. 6, lines 35-49).

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54. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Erlichman because Erlichman's teaching of location of the game would increase flexibility of Auxier's and Pettersen's systems by allowing the advertisement to be display on the web page according to the interest of the advertiser.

55. Applicant's arguments with respect to claims 1, 2, 4, 6-19, 22-28, 31-33 and 38-41, filed 02/28/08, have been fully considered but they are not persuasive.

56. In the remarks, applicant argued that:

(1) Both Auxier and Pettersen fail to teach wherein the content object is loaded into the enhancement mechanism in one of a plurality of formats that do not require customization.

(2) Auxier in view of Pettersen fail to teach any enhancement module alters an output format of the content object "in real time"

(3) Auxier and Pettersen fail to teach an enhancement module "in real time" is executed such that "image data from the content object is rearranged to convert the content object into a game"

(4) Pettersen fails to teach user interaction or creating games of any rearranged images.

(5) Auxier and Pettersen fail to teach wherein each enhancement module causes a different visual alternation of the loaded content object.

(6) Auxier in view of Pettersen do not teach that an enhancement module that alters or causes a different visual alteration of the loaded content object “in real time”.

(7) Auxier and Pettersen fail to teach that the visual alternation of the content object is to convert the content object into a scrambled version of the content object to create an interactive game for a viewing user.

57. In response to point (1), Auxier teaches the banner ad is design for interested users and uninterested users (col. 9, lines 18-21). This means the format (e.g., tags, applet tags) of the banner ad (content object) do not require design for an individual specification, rather, it is designed for all users. The term “customization” is interpreted as “to make or to design to individual specification” according to *The American Heritage College Dictionary*. Therefore, Auxier teaches the banner ad (content object) executed by the Java applet (must be loaded in order to be executed) in one of a plurality of formats that do not require customization (the banner ad designed for interested users and uninterested users, thus, do not require design for an individual specification).

58. In response to points (2) and (6), Auxier teaches Java applet coordinates output of the scratch-off ad display corresponding to the user interaction and changes the scratch-off display in “real time” (e.g., secondary display changes in real time) (col. 4, line 63-col. 5, line 4). This means as user scratches the banner ad (e.g., 730, fig. 7), the output display (700, fig. 7) corresponds to the user scratch interaction.

59. In response to points (3) and (4), as explained in response to point (2) above, Auxier teaches an enhancement module "in real time" is executed such that image data from the content object is converted into a game (scratch off game in fig. 7). In addition, Pettersen teaches rearranging contents (i.e., content object) (col. 11, lines 30-31), wherein the content include graphics (e.g., images) (col. 12, lines 38-40). Pettersen further teaches changing dynamic contents that have arranged as banner ads one time to buttons and hyperlinks another time (col. 11, lines 62-67) (i.e., rearranging image data from content objects). The combination of Auxier and Pettersen teaches image data from the content object is rearranged to convert the content object into a game.

60. In response to point (5), Pettersen teaches including plurality of dynamic content that causes a different visual alteration of loaded content object (col. 11, lines 40-67). In one embodiment, Pettersen teaches dynamically changing the display (causes different visual alteration) of the revenue link. For example, the revenue link might be display as banner ad one time, and as button or hyperlink at different times of the day. The display of the revenue link must be read from memory for execution (loaded content object) in order to be displayed. This means Pettersen teaches enhancement module causes a different visual alternation of the loaded content object.

61. In response to point (7), Auxier teaches converting the content object into an interactive game for a viewing user (col. 4, lines 52-63). Pettersen teaches converting content object into a scrambled version of the content object for viewing user (col. 11,

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lines 30-31). The combination of Auxier and Pettersen teaches the visual alternation of the content object is to convert the content object into a scrambled version of the content object to create an interactive game for a viewing user.

62. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is

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available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Patent Examiner, Art Unit 2152